IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 20792 of 2004

Between:

G.R.Cables Ltd., (A Company Registered under Companies Act) having its Registration No.01-13772 of 1991-92
dt.29-01-1992 Having its registered office at 9-1-83 & 84, Amarchand Sharma Complex, Sarojini Devi Road,
Secunderabad-500003, rep.by its General Manager, P.V.S.Sarma.

..... PETITIONER

AND

1 Bharat Sanchar Nigam Ltd., rep.by its Cief General Manager, Telecom A.P.Circle,
Doorsanchar Bhavan, Nampally Station Road, Abids,
Hyderabad.
2 The Assistant General Manager (M M-1) O/o.The Chief General Manager, Telecom
A.P.Circle (BSNL), Doorsanchar Bhavan, Nampally Station Road, Abids, Hyderabad.
3 Golkonda Engineering Enterprises Ltd., rep.by its Director, plot No.135, IDA, Mallapur,Hyderabad.
4 Surana Telecom Ltd., rep.by its Director, V Floor, Surya Towers,S.D.Road, Secunderabad-500003.
5 Bhagyanagar Metals Ltd., rep.by its Director, V floor, Surya Towers, S.D.Road., Secunderabad-500003.
6 Finelox cables Ltd., rep.by its Director, Pimphri, Chinchwar, pune, Maharastra.
7 Sterelite Industries Ltd., rep.by its Director, Piperia Industrial Estate, Silvasa, Goa.
8 S.P.M.Cables Ltd., rep.by its Director, IDA, Phase-II Charlapally, Hyderabad-500051.
9 Traco Cables Ltd., rep.by its Director, Tiruvalla, Kerala.
10 Sudershan Telecom Ltd., (A division of West Coast Papers Ltd.,) rep.by its

Director, M-71, Cannaught circus,
New Delhi-110001.
11 Vindhya Tele Links Pvt.Ltd., rep.by its Director, Rewa, Madhya Pradesh.
12 Policab Cables Ltd., rep.by its Director, Daman, UTI.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in rejecting the bid submitted by the petitioner pursuant to the notification No.TA/SP/1-46/5PIJF/T/2004-2005 dt.23-07-2004 and not communicating any reason for the said rejection is arbitrary, illegal and violative of Article 14, 19(1) (g) and 21 of the Constitution of India, consequently direct the 1st Respondent to consider the bid submitted by the petitioner pursuant to the notification No.TA/SP/1-46/5PIJF/T/2004-2005 dt.23-07-2004 issued by the 1st Respondent.

Counsel for the Petitioner: MR.HARENDER PRASAD

Counsel for the Respondents : MR.KANTHI.NARAHARI

Mr.A.Rajasekhara Reddy, SC

The Court made the following :

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.20792 OF 2004

ORDER:

When the W.V.M.P.No.289 of 2005 is listed for hearing, both the parties consented for disposal of the writ petition itself. Accordingly, the writ petition is taken up and is being disposed of by this order.

G.R.Cables Limited, a company registered under the Companies Act filed the present writ petition with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the first respondent in rejecting the bid submitted by it pursuant to the notification No.TA/SP/1-46/5PIJF/T/2004-2005, dated 23.7.2004 and not communicating any reason for the said rejection as arbitrary, illegal and violative of Article 14, 19(1)(g) and 21 of the Constitution of India.

The petitioner company in pursuance of the tender notification dated 23.7.2004 issued by the first respondent for supply of 5 Pair/0.5 mm PIJF unarmoured cable for the year 2004-2005, submitted its bid schedule. It is the grievance of the writ

petitioner that the first respondent rejected the bid without assigning any reasons and thus the action of the first respondent in not considering the bid of the writ petitioner is arbitrary.

The respondents 1 and 2 filed counter. It is stated in the counter affidavit that the bid of the writ petitioner came to be rejected as it suffers from want of minimum quantity of delivery. At para-6 of the counter affidavit, it is stated as follows:

> " It is submitted that the petitioner has not mentioned the quantity that can be offered on placement of purchase order. During the preliminary evaluation, the committee has found that as per Section VII, Part II of the bid document submitted by the petitioner, the petitioner's firm can supply only 1000 KM per month to A.P. circle if orders are placed. As per this document the petitioners firm will be able to supply only 4000 KM during four months delivery period on placement of order as against 30% of 18,332 KM which comes to 5,500 KM of tender quantity."

It is no more in dispute that the writ petitioner has not mentioned the minimum tender quantity in the bid submitted by him. Such is the case, the action of the first respondent in rejecting the bid cannot be found fault.

Accordingly, the writ petition fails and is dismissed. No order as to costs.

Further, it is made clear that the interim order granted by this Court on 11.11.2004 in W.P.M.P.No.27245 of 2004 stands vacated.

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(**B.SESHASAYANA REDDY,J)**

16.6.2005

MDAA

COPY TO:

1 Bharat Sanchar Nigam Ltd., rep.by its Cief General Manager, Telecom A.P.Circle,
Doorsanchar Bhavan, Nampally Station Road, Abids,
Hyderabad.
2 The Assistant General Manager (M M-1) O/o.The Chief General Manager, Telecom
A.P.Circle (BSNL), Doorsanchar Bhavan, Nampally Station Road, Abids, Hyderabad.
3. Two C.D.copies.